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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SHIU, HO T	
ART UNIT	PAPER NUMBER
2457	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/521,659	BRUEKERS, ALPHONS ANTONIUS	
	Examiner	Art Unit	
	HO SHIU	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 8-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, and 8-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-4 and 8-15 are pending in this application. Claims 5-7 have been cancelled and claims 9-15 have been newly added by applicant's amendment filed on 01/06/2009.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. With respect to claim 14, "a bit pattern indicative of robust perceptually features of encoded files" is being claimed. It is not clear what exactly is a robust perceptually feature. For examination purposes, "a bit pattern indicative of robust perceptually features of encoded files" will be interpreted as a bit pattern associated with encoded files.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jutzi et al. (US Pub # 2003/0005301 A1, hereinafter Jutzi) in view of Parr (US Patent # 5,287,374, hereinafter Parr) and in further view of Obviousness and in further view of Suzuki(US Patent # 6,463,445, hereinafter Suzuki).**

7. With respect to claims 1 and 8, Jutzi discloses a method and a system comprising a computer readable medium, such as a memory, which stores a set of instructions and a processor which executes the set of instructions of determining whether an encoded signal has been encoded with a particular type of encoder , the method comprising the steps of: receiving at least a part of said encoded signal ([0047], [0048]); decoding the received signal using a decoder which performs the reverse operation of said particular type of encoder ([0055], lines 1-6); deriving a fingerprint from the decoded signal ([0055], lines 6-13)), comparing said fingerprint with fingerprints stored in a database ([0056], lines 7-12) but does not clearly disclose concluding that the encoded signal has been encoded with said particular type of encoder if the derived fingerprint corresponds to one of the fingerprints stored in the database.

In the same field of endeavor, Parr discloses one method of overcoming the ambiguity as to which type of data was transmitted is to separately decode received information under both hypotheses and then determine the more consistent hypothesis by examining both sets of decoded data (col. 1, lines 25-29. Parr also discloses "The receiver comprises a demodulator 18 which demodulates the transmitted signal to provide at its output the encoded signal at baseband. The thus recovered encoded

signal, with errors, is applied to the encoder identifying circuit 19 and to switch 20. The encoder identifying circuit 19 observes the recovered encoded signal in order to identify which encoder, 13 or 14, was used to encode the transmitted signal. Based on this observation, the circuit 19 controls switch 20 to direct the recovered encoded signal to one of the two decoders 21 or 22" (col. 2, lines 30-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jutzi and Parr to disclose that the encoded signal has been encoded with said particular type of encoder if the derived fingerprint corresponds to one of the fingerprints stored in the database in order to be able to determine which encoder was used to encode the transmitted signal.

8. **Claims 2-4, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jutzi in view of Parr and in further view of Obviousness and in further view of Suzuki (US Patent # 6,463,445, hereinafter Suzuki).**

9. With respect to claim 2, Jutzi discloses receiving an encoded signal through a network ([0047], [0048]) but does not clearly disclose wherein said steps are performed by a server which receives the encoded signal from a client through a network.

In the same field of endeavor, Suzuki discloses wherein said steps are performed by a server which receives the encoded signal from a client through a network (col. 3, lines 27-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jutzi and Parr with the teachings of Suzuki in order to automatically transcode encoded bitstream information.

The examiner notes that it would have been obvious to one of ordinary skill in the art at the time the invention was made that a client computer can be a server and vice versa.

10. With respect to claim 3 it is rejected for the same reasons as claim 2 above. In addition Suzuki discloses further comprising the step of awarding (22) the client if the server concluded that the received encoded signal has been encoded with said particular type of encoder (col. 8, lines 52-67).

11. With respect to claim 4, it is rejected for the same reasons as claim 3 above, In addition, Suzuki discloses wherein said step of awarding comprises retrieving from the database metadata associated with the signal, and transmitting said metadata to the client (col. 6, lines 20-34, col. 7, lines 36-67, col. 8, lines 1-10, lines 52-67, the metadata is part of the MM (multimedia) contents which is a digital bitstream which the digital bitstream is sent transcoded or not transcoded based on the information the transcoding manager provides. If the transcoding manager sets the availability signal to a “0” if it does not match the encoded signal with a certain type of encoder, and sets the availability sign to "1' if the does match the encoded signal with a certain type of encoder. If the availability signal is “1” (matching the encoded signal has been encoded

with a type of encoder, it will send the bitstreams which include the contents information to the client.).

12. With respect to claim 9, Jutzi discloses received encoded files through a network ([0047], [0048]); decoder configured to decode the encoded files received from the client ([0055], lines 1-6); a finger print extraction unit configured to extract fingerprint from a decoded file ([0055], lines 6-13), a database configured to store one or more fingerprints identifying respective structures of encoded files that correspond to the decoder of the server ([0056], lines 7-12) but does not clearly disclose a server which receives via a network files encoded by a client, the server station comprising: a server configured to received encoded files from the client through a network, the server comprising: a decoder configured to decode the encoded files received from the client; and concluding that the encoded signal has been encoded with said particular type of encoder if the derived fingerprint corresponds to one of the fingerprints stored in the database.

In the same field of endeavor, Parr discloses one method of overcoming the ambiguity as to which type of data was transmitted is to separately decode received information under both hypotheses and then determine the more consistent hypothesis by examining both sets of decoded data (col. 1, lines 25-29. Parr also discloses "The receiver comprises a demodulator 18 which demodulates the transmitted signal to provide at its output the encoded signal at baseband. The thus recovered encoded signal, with errors, is applied to the encoder identifying circuit 19 and to switch 20. The

encoder identifying circuit 19 observes the recovered encoded signal in order to identify which encoder, 13 or 14, was used to encode the transmitted signal. Based on this observation, the circuit 19 controls switch 20 to direct the recovered encoded signal to one of the two decoders 21 or 22" (col. 2, lines 30-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jutzi and Parr to disclose a processor configured to compare the extracted fingerprint form the decoded file with the one or more fingerprints stored in the database and determine whether the extracted fingerprint corresponds to one of the fingerprints stored in the database.

In the same field of endeavor, Suzuki discloses wherein said steps are performed by a server which receives the encoded signal from a client through a network (col. 3, lines 27-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jutzi and Parr with the teachings of Suzuki in order to automatically transcode encoded bitstream information.

The examiner notes that it would have been obvious to one of ordinary skill in the art at the time the invention was made that a client computer can be a server and vice versa.

The examiner notes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jutzi and Parr to disclose a server which receives via a network files encoded by a client, the server station comprising: a server configured to received encoded files from the client through

a network, the server comprising: a decoder configured to decode the encoded files received from the client; and concluding that the encoded signal has been encoded with said particular type of encoder if the derived fingerprint corresponds to one of the fingerprints stored in the database so that the client is not only limited as a client but is capable of utilizing server capabilities and vice versa..

13. With respect to claim 10, it is rejected for the same reasons as claim 9 above. In addition, Suzuki discloses wherein in response to the server concluding that the received encoded files have been encoded with an encoder that corresponds to the decoder of the server, the processor communicatesan award to the client (col. 8, lines 52-67).

14. With respect to claim 11, it is rejected for the same reasons as claim 9 above. In addition, Suzuki discloses wherein the award includes metadata associated with the encoded file transmitted from the database of the server to the client (col. 6, lines 20-34, col. 7, lines 36-67, col. 8, lines 1-10, lines 52-67, the metadata is part of the MM (multimedia) contents which is a digital bitstream which the digital bitstream is sent transcoded or not transcoded based on the information the transcoding manager provides. If the transcoding manager sets the availability signal to a “0” if it does not match the encoded signal with a certain type of encoder, and sets the availability sign to "1' if the does match the encoded signal with a certain type of encoder. If the availability signal is “1” (matching the encoded signal has been encoded with a type of encoder, it

will send the bitstreams which include the contents information to the client.).

15. **Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jutzi in view of Parr and in further view of Obviousness and in further view of Suzuki and in further view of Matyas, Jr. et al (US Patent # 7,010,689, hereinafter Matyas).**

16. With respect to claim 12, Jutzi, Parr, and Suzuki do not clearly disclose wherein response to the server concluding that the extracted fingerprint was not found in the database, the processor transmits a message to the client.

In the same field of endeavor, Matyas discloses wherein response to the server concluding that the extracted fingerprint was not found in the database, the processor transmits a message to the client (col. 11, lines 65-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jutzi, Parr, and Suzuki with the teachings of Matyas in order to be able to request to update a file header or encoder/decoder.

17. With respect to claim 13, Jutzi, Parr, and Suzuki do not clearly disclose wherein in response to the extracted fingerprint not being stored in the database, the processor sends a request to the client to resend the encoded file.

In the same field of endeavor, Matyas discloses in col. 11, lines 65-67, col. 12, lines 8-15, if the hash values are not equal, the personal key client checks to see if the MAC that is generated is equal to the MAX that it received in the file header from the file server block. If they are equal, then the file is recovered correctly and its content has not been changed which means that if the MAC is not equal, the file content has changed.

The examiner notes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jutzi, Parr, Suzuki, and Maytas to disclose wherein in response to the extracted fingerprint not being stored in the database, the processor sends a request to the client to resend the encoded file in order to be able to have the updated data so the hash and MAC would match.

18. **Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jutzi in view of Parr and in further view of Obviousness and in further view of Suzuki and in further view of Ko et al. (US Pub # 2003/0100299 A1, hereinafter Ko).**

19. With respect to claim 14, Jutzi, Parr, and Suzuki disclose that the fingerprint is perceptually features of encoded files (Jutzi [0055], [0056]) but do not clearly disclose wherein the fingerprint is a bit pattern.

In the same field of endeavor, Ko discloses wherein the fingerprint is a bit pattern indicative of robust perceptually features of encoded files ([0125]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jutzi, Parr, and Suzuki with the teachings of Schneider in so that the fingerprint is a random or pseudo-random bit sequence.

20. **Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jutzi in view of Parr and in further view of Obviousness and in further view of Suzuki and in further view of Henderson et al. (US Patent # 6,353,666 B1, hereinafter Henderson) and in further view of Weinstein et al. (US Patent # 7,233,688 B2, hereinafter Weinstein).**

21. With respect to claim 15, Jutzi, Parr, and Suzuki do not clearly disclose a plurality of client encoders; and a network which connects the client encoders and the server.

In the same field of endeavor, Henderson discloses a codec may be configured to perform encoding and decoding and to be configured to perform audio or speech coding (col. 4, lines 19-35).

In the same field of endeavor, Weinstein discloses a player is configured to play or use multimedia content connected to a network.

The examiner notes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jutzi, Parr, Suzuki, Henderson and Weinstein to disclose that there is a plurality of client encoders and a

network which connects the client encoders and the server so that it can encode different types of file from various locations so the encoder/decoder can be shared amongst the network in case the client/server/player does not have the appropriate encoder/decoder/codec.

Response to Arguments

22. Applicant's arguments filed 01/06/2009, with respect to the rejection(s) of claim(s) 1-4, and 8-15 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection have been made.

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HO SHIU whose telephone number is (571)270-3810. The examiner can normally be reached on Mon-Thur (8:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HTS
04/16/2009

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